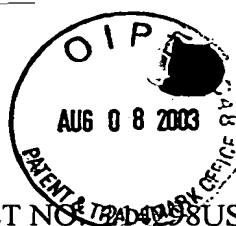


DOCKET NO. 2003US2RD



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

HIROMI YUASA, ET AL. : EXAMINER: EVANS, J.

SERIAL NO: 09/961,171 :

FILED: SEPTEMBER 24, 2001 :

GROUP ART UNIT: 2652

FOR: MAGNETORESISTANCE EFFECT :
ELEMENT, MAGNETIC HEAD AND
MAGNETIC REPRODUCING SYSTEM

RECEIVED

AUG 12 2003

Technology Center 2600

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated June 25, 2003, Applicants provisionally elect for further examination on the merits, with traverse, Species One, - figures 1a-5, and identify Claims 3-7 as corresponding to the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

The Election Requirement asserts that the application contains claims to distinct species. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the original claims would have to be searched in only a small handful of sub-classes, and would in any event appear to be part of an overlapping search area. Furthermore, since electronic searching is commonly performed, a search may be made of a large number

of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain **TEN** separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-20 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Registration No. 28,870
Attorneys of Record



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Tel. No.: (703) 413-3000

Fax No.: (703) 413-2220

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